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09/635,549	08/10/2000	Yevgeniy Eugene Shteyn	US000209	7153

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EXAMINER
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LIM, KRISNA

ART UNIT	PAPER NUMBER
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2153

11

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**MAR 25 2004**

**Technology Center 2100**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 11

Application Number: 09/635,549  
Filing Date: August 10, 2000  
Appellant(s): SHTEYN, YEVGENIY EUGENE

\_\_\_\_\_  
Bradley M. Ganz  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 2/3/04.

**(1) Real Party in Interest**

A statement identifying the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

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A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) Status of the Claims**

The statement of the status of the claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) The Summary of Invention**

The summary of invention contained in the brief is correct.

**(6) Issues**

The appellant's statement of the issues in the brief is correct.

**(7) Grouping of Claims**

Appellant's brief includes a statement that claims 1-16 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) Claims Appealed**

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The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) **Prior Art of Record**

EP 1 017 206      Allan et al.      December 12, 1999

(10) **Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

11. Claims 1-16 are rejected under 35 U.S.C. 102(a) as being anticipated by Allan [EP 1 017 206].

12. Allan anticipated (e.g., see Figs. 4-11) the invention substantially as claimed. Taking claim 1 as an exemplary claim, the reference anticipated **a consumer apparatus** (e.g., "the home network 10 includes a home gateway connected to the Internet and includes at least one home gateway port. Each home network device is connected to at least one home gateway port", see Fig. 4, col. 2 (lines 45-50)) **responsive to a user-input for initiating retrieval of data from a server** (e.g., "The IPRP splits the IP layer in the home *into a client server model*. The clients reside in the devices .... the server administers the ports, forwards data traffic to the specific clients on the basis of port ..., interdicts client data traffic where appropriate and filters incoming data traffic from the Internet.", see col. 4 (lines 20-26)) **under control of a predetermined URL or an identifier therefor associated with the apparatus** (e.g., see a unique internet address, Internet address with browser, col. 1 (line 33), col. 2 (line 43), col. 6 (lines 14-20)), **the data represent content information about the context of usage of the apparatus** (e.g., "the server administers the ports, forwards data traffic to the specific clients on the basis of port ..., interdicts client data traffic where client data includes status, context of home lighting system, a security system, a stove, a microwave, a dryer, a washing machine, a refrigerator, a TV, a stereo, a VCR, a DVD player, or any other home appliance that may be controlled or may send or receive information.", col. 4 (lines 23-26), coll. 6 (lines 14-20)).

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13. As to claim 2, Allan anticipated the consumer apparatus configured for use and inclusion on a home network and having Internet-access functionality through the home network (e.g., see a home network of Figs. 1-5, col. 1 (lines 11-33), col. 2 (lines 46-50), col. 6 (lines 14-20)).

14. As to claim 3, Allan anticipated a memory for storage of the URL or identifier therefor (e.g., see a home network 10, a single Internet address or a unique Internet address, the abstract, col. 1 (lines 32-33), col. 2 (lines 45-47), col. 6 (lines 14-20), col. 9 (line 34) to col. 10 (line 45); a memory is inherently included in any home network device 14).

15. As to claim 4, Allan anticipated the apparatus has a remote control device (e.g., see TV, a stereo, a VCR, a DVD player) in col. 1 (lines 14-15 and 20) and the device has a dedicated button for initiating the retrieval of the data (e.g., each of devices could send and receive information using the Internet, see col. 1 (lines 28-29), col. 6 (lines 14-20), a remote) and this control device is inherently included in any TV, a stereo, a VCR, a DVD player).

16. As to claims 5-10, they are similar to claims 1-4 with the exception of the appellant specifically calls for the **proxy device** for representing an apparatus on a home network, the additional feature of a **gateway and the wireless signal**. Such a gateway was clearly anticipated by Allan (e.g., see col. 2 (lines 46-57)). Moreover, Allan anticipated such proxy device (e.g., see a home gateway 12 of Figs. 1-4, the abstract, col. 2 (line 55) to col. 3 (line 12)) and the feature of wireless signal (e.g., see col. 5, line 9). Thus, claims 5-10 are also rejected for the same reasons as in the rejection of claims 1-4 above.

17. As to claims 11-16, they are similar to claims 1-4 also with the exception of the appellant specifically calls for the creating of database of the type per user.

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However, such feature of creating database of the type per user (e.g., creating database type per TV, VCR, DVD player, etc.) is inherent feature in the administration functions of the servers because the data record (e.g., database) is inherently presented in the administration functions which administer the usages of home devices and end-systems in the home such as TV, VCR, DVD player, etc.). Thus, claims 11-16 are also rejected for the same reasons as in the rejection of claims 1-4 above.

#### 18, Response to Argument

19. Appellant's arguments filed 2/3/04 have been fully considered but they are not deemed to be persuasive.

In the remarks, Appellant' argued in substance that:

a) Allan does not disclose the claimed URL or identifier therefor (see brief page 3).

b) In Allan, the assignment of the address to the apparatus does not enable the apparatus to **retrieve content from a remote server** as claimed (see brief page 4).

c) The examiner's rejection would require the apparatus to retrieve data from itself, ignoring the recited limitation of "**retrieval of data from server.**" (See brief page 3).

d) Appellant has not found the **word content** anywhere in Allan ... Notably, the data or data streams to the apparatus can be many things other than content (see brief page 4).

e) Allan provides network infrastructure and does not focus on the nature of data passes through the infrastructure. In contrast, the claimed invention is directed to a **system for assisting users in finding context-related information for an apparatus** (see brief pages 5-6).

f) Allan does not disclose that the claimed **consumer apparatus is responsive to the user-input** (see brief page 7).

g) The Examiner has not identified any disclosure in Allan corresponding to **“creating a database of the type per user.”** (See brief page 8).

h) There is no disclosure that the remote includes a **“key dedicated to initiating, via the apparatus, retrieval of data ...”** (see brief page 8).

20. In reply to paragraph 19 a), Allan clearly disclosed this claimed URL or identifier (e.g., see a unique internet address, Internet address with browser, see col. 1 (line 33), col. 2 (line 43), col. 6 (lines 14-20)).

21. In reply to paragraph 19 b) and c) above, Allan clearly anticipated such feature of retrieval data or content from a remote server. For example at col. 4, lines 23-26, Allan clearly taught “The IPRP splits the IP layer in the home *into a client server model*. The clients reside in the devices ... “the server administers the ports, forwards data traffic to the specific clients on the basis of port ..., interdicts client data traffic where client data includes status, context of home lighting system, a security system, a stove, a microwave, a dryer, a washing machine, a refrigerator, a TV, a stereo, a VCR, a DVD player, or any other home appliance that may be controlled or may send or receive information.”, col. 4 (lines 23-26), coll. 6 (lines 14-20)).

22. In reply to paragraph 19 d) above, the word content (data traffic) is clearly taught by Allan (e.g., the data traffic that was forwards from the server administers to the specific client.” as indicated in paragraph 12 above.

23. In reply to paragraph 19 e) above, first of all the claimed language is not specifically calls for such specific language **“for assisting users in finding context-related information for an apparatus.”** However, Allan anticipated such feature. For

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for example, Allan clearly disclosed "the server administers the ports, forwards data traffic to the specific clients on the basis of port ..., interdicts client data traffic where client data includes status, context of home lighting system, a security system, a stove, a microwave, a dryer, a washing machine, a refrigerator, a TV, a stereo, a VCR, a DVD player, or any other home appliance that may be controlled or may send or receive information.", col. 4 (lines 23-26), coll. 6 (lines 14-20)).

24. In reply to paragraph 19 f) above, first of all such language is not clearly shown in the drawing. Secondly, such user-input is inherent in a computer implemented WWW browser (e.g., see col. 6, lines 14-20) and the teaching of Figs. 1-4. Moreover, it is nothing more than a client (user) resides in the home network 10 requests for data from the server using browser and the Internet (e.g., see col. 4, lines 20-27).

25. In reply to paragraph 19 g) above, such creating of database of the type per user is inherent feature in the administration functions of the servers because the data record (e.g., database) is inherently presented in the administration functions which administer the usages of home devices such as TV, VCR, DVD player, etc.).

26. In reply to paragraph 19 h) above, Allan anticipated the apparatus has a remote control device (e.g., see TV, a stereo, a VCR, a DVD player in col. 1 (lines 14-15 and 20) and the device has a dedicated button for initiating the retrieval of the data (e.g., each of devices could send and receive information using the Internet, col. 1 (lines 28-29), col. 6 (lines 14-20), a remote) and this control device is inherently included in any TV, a stereo, a VCR, a DVD player.

27. For the above reason, it is believed that the rejections should be sustained.



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Respectfully Submitted,

Krisna Lim


Primary Examiner

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Conferee :



**ZARNI MAUNG**  
**PRIMARY EXAMINER**



**Dung C. Dinh**  
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